

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Court File No. 22-224(8) (NEB/TNL)

Plaintiff,

v.

**DEFENDANT YUSUF ALI'S
AMENDED MOTION TO TRAVEL
OUTSIDE THE UNITED STATES**

Yusuf Bashir Ali,

Defendant.

Defendant Yusuf Bashir Ali respectfully moves the Court for an order allowing him to travel to Dubai, UAE, and Nairobi, Kenya, to visit his Uncle Saiid Hassan who is suffering from terminal lung cancer. Defendant previously filed a motion to travel that was denied, and he deeply appreciates the opportunity to file this amended motion with more detailed information about the reasons for his proposed travel and his proposed itinerary in the hopes that information will address the Court's concerns.

Mr. Ali's biological father was a Somali air force officer who became a dissident democracy activist when dictator Mohammed Siad Barre took power in Somalia in 1969. Mr. Ali's biological father was imprisoned when Mr. Ali was a child and ultimately fled Somalia for his safety. Mr. Ali and his siblings split up and went to live with various relatives and friends. Said Hassan took Mr. Ali into his home when Mr. Ali was just 6-years-old and raised him as his own son.

Mr. Ali lived with Mr. Hassan until he was 11 and Siad Barre was deposed in a coup. Mr. Ali's father returned to Somalia from exile and reunited the family at this time.

The civil war grew too violent for the family to remain in Somalia, however, so they fled on foot to Kenya, walking all the way to a camp outside Nairobi. Mr. Ali lived in this squalid camp for two years before Mr. Hassan rescued him again, bringing Mr. Ali to live at his home in Nairobi (Mr. Hassan had separately fled Somalia during the civil war). Mr. Ali lived in Nairobi with Mr. Hassan for six more years, from age 13 to 19, when Mr. Ali finally immigrated to the United States.

Separated at a young age from his biological father, Mr. Ali considers Mr. Hassan as his true father – the person who raised him, supported him, and brought stability and love into an otherwise chaotic and traumatic childhood. Over the years, Mr. Ali has regularly traveled back to Nairobi to visit with Mr. Hassan. Sadly, Mr. Hassan was recently diagnosed with end-stage lung cancer and likely does not have long to live. This proposed trip represents Mr. Ali's last chance to spend time with Mr. Hassan.

If allowed to travel, Mr. Ali's proposed travel plans are as follows. Mr. Ali will depart MSP at 9:10 p.m. on December 10, transferring planes in Amsterdam, and arriving in Dubai at 12:05 a.m. on December 12. Mr. Ali's cousin Omar Ali Hassan will pick him up from the airport. While in Dubai, Mr. Ali will stay at Omar Hassan's residence at the following address: Manar Tower, Apartment 710, Ajman, United Arab Emirates. No other individuals will be staying at Omar Hassan's residence during this time.

Mr. Ali will accompany Mr. Hassan to his chemotherapy sessions scheduled from mid-December to mid-January at the NMC Royal Hospital Sharjah, United Arab Emirates, which is located on Al Zahra Street in Sharjah (a district of Dubai). Mr. Ali will not rent a car but will borrow Omar Hassan's car to travel between the apartment and hospital.

Mr. Hassan's last chemotherapy treatment is scheduled for January 10, 2024. The family has not yet purchased a ticket for Mr. Hassan's return to Nairobi, given the uncertainty of how sick Mr. Hassan will be in the days immediately after the last chemotherapy treatment and when his physician will clear him for air travel. After Mr. Hassan's physician clears him for air travel – ideally within a few days after the last treatment – Mr. Ali will accompany Mr. Hassan to the Dubai Airport, from which they will fly together on the same flight to Nairobi so that Mr. Ali can assist Mr. Hassan with the travel. Once Mr. Ali has purchased his ticket to Nairobi, he will notify counsel of the details of his specific flight to Nairobi, and counsel will apprise probation, the government, and the Court of these details.

Upon arriving in Nairobi, Mr. Ali and Mr. Hassan will take a taxi to Mr. Hassan's residence (and Mr. Ali's childhood home), where Mr. Ali will stay during his time in Nairobi. Mr. Hassan's address is 100238 Wayki Road, Westland Nairobi, Kenya. Mr. Hassan lives at this address with his wife and his special-needs adult son.

At the conclusion of his trip, Mr. Ali will take a taxi from Mr. Hassan's home to the Nairobi airport. Mr. Ali's return flight from Nairobi is scheduled to leave at 11:59 p.m. on January 30, 2024, again transferring planes in Amsterdam, and arriving back at MSP at 1:00 p.m. on January 31, 2024. Attached to this Motion as Exhibit A is Mr. Ali's proposed flight schedule.¹

¹ Counsel instructed Mr. Ali to purchase a refundable ticket to ensure the exact flight details of Mr. Ali's proposed travel could be presented to the government, probation and the Court.

Mr. Ali is not a flight risk. He endured great hardship to immigrate to the United States and become a citizen. Mr. Ali's wife and four minor children (three sons, ages 15, 14, and 10, and a 9-year-old daughter) will remain in Minnesota while he travels to see Mr. Hassan. Mr. Ali has pleaded guilty, participated in his PSR interview, and provided the financial information requested by the government pursuant to his plea. Mr. Ali has no criminal history, has been compliant while on supervised release, and has made all court appearances. Mr. Ali will maintain regular contact with the undersigned while he is traveling and will notify the undersigned as soon as he arrives in Nairobi from Dubai.

Defense counsel conferred telephonically with the Government, and it takes no position on this request. Defense counsel conferred via email with Mr. Ali's Pretrial Services officer Cory Gardner regarding the proposed travel, and he replied: "He is an unsupervised client, so I would defer to the court."

For the above-stated reasons, Defendant Yusuf Ali respectfully requests that the Court grant him permission to travel to Dubai, UAE on December 10, 2023, returning to Minneapolis from Nairobi, Kenya on January 31, 2024, pursuant to the itinerary set forth in this Motion.

Respectfully Submitted

Dated: December 7, 2023

/s/ Kevin C. Riach

Kevin C. Riach (#0389277)

125 Main St. SE, Suite 339

Minneapolis, MN 55412

Telephone: 612.203.8555

kevin@riachdefense.com

ATTORNEY FOR DEFENDANT